



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,572	04/06/2001	Takashi Ueno	4786US	6508

24247 7590 04/13/2005

TRASK BRITT  
P.O. BOX 2550  
SALT LAKE CITY, UT 84110

EXAMINER

HON, SOW FUN

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,572

Applicant(s)

UENO, TAKASHI

Examiner

Sow-Fun Hon

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-15 and 18-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-15, 18-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Response to Request for Reconsideration***

***Rejections Repeated***

1. The obviousness-type double patenting rejection of claims 1, 4 over US 6,514,628 has been repeated for the same reasons previously of record in the Office action dated 07/07/04.
2. The obviousness-type double patenting rejection of claim 30 over US 6,228,457 has been repeated for the same reasons previously of record in the Office action dated 07/07/04.
3. The 35 U.S.C. 102(e) rejection of claims 1-6, 30 as being anticipated by US 6,228,457 has been repeated for the same reasons previously of record in the Office action dated 07/07/04.
4. The 35 U.S.C. 103(a) rejections of claims 1-7, 10-11, 13-15, 18-40 over Fukuyoshi as the primary reference, have been repeated for the same reasons previously of record in the Office action dated 07/07/04.

***Response to Arguments***

5. Applicant's arguments filed 07/01/2005 have been fully considered but they are not persuasive.

**Rejection under doctrine of obviousness double patenting**

6. Applicant argues that claims 1, 4 of the present application each require that the first metal constituent in the layer be present in an amount of 0.1 to 3.0 percent, and that neither of the two [prior art] references would anticipate the lower limit of the indicated range of 0.1 weight

Art Unit: 1772

percent, such that neither reference provides adequate disclosure to support a rejection under the doctrine of obviousness double patenting.

'628 claims a reflector with Ag as a main component; 0.5 to 3.0 wt % of Pd, which overlaps with the presently claimed range of 0.1 to 3.0 wt % of Pd, and 0.1 to 3.0 wt % of a third element selected from the group consisting of Ta, Ni. Thus the reflector of '628 overlaps the reflecting layer presently claimed by Applicant. Therefore the rejection stands.

Rejection under 35 U.S.C. 103(a)

7. Applicant argues that Fukuyoshi discloses a silver based layer having a 0.06 weight percent of Cu, which is 0.04 weight percent below the 0.1 weight percent which forms the lower boundary of the claimed range, and therefore is not within the range presently claimed.

Applicant is respectfully apprised that the Fukuyoshi teaches a range of 0.1 to 3 atomic percent of Cu (copper) and Au (gold) ('853, column 11, lines 40-50), which translates into a range of 0.06 to 0.18 weight percent of Cu and Au, which overlaps the claimed range of 0.1 to 3.0 weight percent. Thus the weight percent range of Fukuyoshi overlaps the claimed range of Applicant. Therefore the rejection stands.

8. Applicant's argument regarding the rejection of claim 12 rests on the argument regarding the validity of Fukuyoshi as the primary reference used to rejection dependent claim 7. The argument has been addressed above.

Art Unit: 1772

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*S. Hon*

Sow-Fun Hon

*04/05/05*

*Harold Pyon*

HAROLD PYON  
SUPERVISORY PATENT EXAMINER

*1772*

*4/11/05*